

PUBLIC NOTICE

US Army Corps of Engineers Baltimore District

In Reply to Application Number CENAB-OP-RMN(AA DPW/BROADWATER CREEK/DREDGING)07-60193-18

PN 07-20

Comment Period: March 5, 2007 to April 5, 2007

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act and State authorization pursuant to the Tidal Wetlands Act and/or Nontidal Wetlands Protection Act, as described below:

APPLICANT:

Anne Arundel County Department of Public Works 2662 Riva Road

Annapolis, MD 21401

LOCATION

In Broadwater Creek, Anne Arundel County, Maryland

WORK: To hydraulically or mechanically dredge a 7485-foot by 30-foot main channel to a depth of -4.0 to -4.5 feet mean low water (MLW) in Broadwater Creek, a tributary to the Chesapeake Bay. Additionally, 38 associated private spur channels, listed below, are proposed for dredging. The overall dredging will result in approximately 46,169 cubic yards of dredged material to be deposited at the Anne Arundel County Town Point dredged material placement (DMP) site or other approved County DMP site. The permit for these projects, if approved, would authorize periodic maintenance dredging for a period of six years from the date of the authorization, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material. The purpose of the proposed work is to improve navigable access along Broadwater Creek. All work is to be completed in accordance with the enclosed plans. If you have any questions concerning this matter, please contact Mr Richard Kibby at (410) 962-0694.

Spur Channels:

2007-601941 - Mr. Harry Crispell and Ruic Lewis. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 8,884 square feet to a depth of -4.0 feet MLW and deposit approximately 954 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. To install 6 mooring piles.

2007-60195 - Mr. Michael Broglie. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 6,597 square feet to a depth of -4.0 feet MLW and deposit approximately 689 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. In addition, to install 2 mooring piles.

2007-60196 - Mr. Terrell Clark. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 5,966 square feet to a depth of -4.0 feet MLW and deposit approximately 619 cubic yards of dredged material at Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. In addition, to install a 50 ft X 6 ft pier and install 6 mooring piles.

- 2007-60197 Ms. Sharon Bronte and Douglas Bonner. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 6350 square feet to a depth of -4.0 feet MLW and deposit approximately 517 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. In addition, to install 2 mooring piles.
- 2007-60198 Cape Anne Community Association. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 11,388 square feet to a depth of -3.5 feet MLW and deposit approximately 942 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. To install 16 mooring piles.
- 2007-60199 Mr. Mark Yates. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 5,509 square feet to a depth of -3.5 feet MLW and deposit approximately 388 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. To install a 60 ft X 6 ft pier and 3 mooring piles.
- 2007-60200 Dean, Naner, Bourne, Fitzgerald & Franklin. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 9,907 square feet to a depth of -3.5 feet MLW and deposit approximately 587 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. In addition, to construct a 6 ft X 100 ft pier and install 4 mooring piles.
- 2007-60201 Ms. Charlotte Kennedy. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 4,561 square feet to a depth of -3.5 feet MLW and deposit approximately 236 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. To install 4 mooring piles.
- 2007-60202 Winters, Decsaria & Taybi. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 5,675 square feet to a depth of -3.5 feet MLW and deposit approximately 294 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization.
- 2007-60203 Mr. Gerald Fenton. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 2,960 square feet to a depth of -3.5 feet MLW and deposit approximately 164 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. To install a 50 ft X 6 ft pier.
- 2007-60204 Mr. Jose and Barbara Rodriguez. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 1.997 square feet to a depth of -3.5 feet MLW and deposit approximately 118 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. In addition, to install 2 mooring piles.
- 2007-60205 Mr. Wayne and Janet Proud. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 5,536 square feet to a depth of -3.5 feet MLW and deposit approximately 480 cubic yards of dredged material at Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. In addition, to install a 120 ft X 6 ft pier and install 3 mooring piles.
- 2007-60206 Tiffany Woods H.O.A. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 2,419 square feet to a depth of -3.5 feet MLW and deposit approximately 166 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. In addition, to install 6 mooring piles.
- 2007-60207 Ms. Martha Martin. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 2,161 square feet to a depth of -3.5 feet MLW and deposit approximately 942 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. To install a 50 ft pier extension and 3 mooring piles.

- 2007-60208 William and Dawn Duffy. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 3,617 square feet to a depth of -3.5 feet MLW and deposit approximately 258 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. To install a 100 ft X 6 ft pier with a 10 ft by 20 ft L and 3 mooring piles.
- 2007-60210 Mr. David Duffy. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 2,912 square feet to a depth of -3.5 feet MLW and deposit approximately 205 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization.
- 2007-60211 Mr. Brad and Ms. Kirsten Cleveland. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 2,963 square feet to a depth of -3.5 feet MLW and deposit approximately 211 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. To install 3 mooring piles.
- 2007-60212 Ms. Mary Merkle. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 2,938 square feet to a depth of -3.5 feet MLW and deposit approximately 207 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. To install a 120 ft by 6 ft pier with a 10 X 20 L and 3 mooring piles.
- 2007-60213 Mr. Shawn Mashie. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 5,574 square feet to a depth of -3.5 feet MLW and deposit approximately 434 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. To install a 40 ft X 6 ft pier extension with a 10 ft X 20 ft L and 6 mooring piles.
- 2007-60214 Mr. Charles Scala. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 5,557 square feet to a depth of -3.5 feet MLW and deposit approximately 346 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization.
- 2007-60215 Mr. Joseph Kadjeski. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 4,728 square feet to a depth of -3.5 feet MLW and deposit approximately 254 cubic yards of dredged material at Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. In addition, to install 6 mooring piles.
- 2007-60217 Mr. Jeffrey Tyson and Larry Covell. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 11,410 square feet to a depth of -3.5 feet MLW and deposit approximately 634 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. In addition to install 62 mooring piles.
- 2007-60218 Mr. Joseph Segreti and Laura Martini. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 4,968 square feet to a depth of -3.5 feet MLW and deposit approximately 276 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization.
- 2007-60220 Mr. Eldon and Susannah Hawley. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 2,056 square feet to a depth of -3.5 feet MLW and deposit approximately 122 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization.
- 2007-60221 Broadwater Farms H.O.A. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 2,204 square feet to a depth of -3.5 feet MLW and deposit approximately 147 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization.

- 2007-60222 Mr. Paul Rickett. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 1,595 square feet to a depth of -3.5 feet MLW and deposit approximately 106 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization.
- 2007-60223 Mr. Thomas Ronaldi. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 1,664 square feet to a depth of -3.5 feet MLW and deposit approximately 129 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization.
- 2007-60224 Ms. Marian Schravesaude. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 1,892 square feet to a depth of -3.5 feet MLW and deposit approximately 168 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. To install 3 mooring piles.
- 2007-60226 Mr. Gary Crawford & Robert Howard. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 7,343 square feet to a depth of -3.5 feet MLW and deposit approximately 653 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. In addition, to install an 80 ft X 6 ft pier with 3 mooring piles, and a 150 ft X 6 ft pier and 3 mooring piles.
- **2007-60227** Mr. Robert Wadden. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 2,277 square feet to a depth of -3.5 feet MLW and deposit approximately 202 cubic yards of dredged material at Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. In addition, to install a 50 ft X 6 ft pier with a 10 X 20 ft L and install 4 mooring piles.
- 2007-60228 Ms. Audrey Macwilliams. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 2,823 square feet to a depth of -3.5 feet MLW and deposit approximately 188 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. In addition, to install 6 mooring piles.
- 2007-60229 Mr. David Neighoff. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 4,181 square feet to a depth of -3.5 feet MLW and deposit approximately 248 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. To install 3 mooring piles.
- 2007-60230 Mr. Glen Smith. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 3,753 square feet to a depth of -3.5 feet MLW and deposit approximately 250 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. To install 2 mooring piles.
- 2007-60231 Yates, Fields, Howes. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 19,943 square feet to a depth of -3.5 feet MLW and deposit approximately 1847 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. To install a 70 ft X 6 ft pier with a 10 ft X 20 ft L and 3 pilings; to install 6 mooring piles.
- 2007-60232 Mr. Peter Stelnyk. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 10,025 square feet to a depth of -4.0 feet MLW and deposit approximately 1114 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. To install 3 mooring piles.
- 2007-60233 Ms. Melvin Whetstone & Arthur Wagner. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 10,141 square feet to a depth of -4.0 feet MLW and deposit approximately 207 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. To install 3 mooring piles.

2007-60234 - Lunceford, Hysong, Miller, Down. To hydraulic or mechanical dredge a spur channel in Broadwater Creek 23,378 square feet to a depth of -4.0 feet MLW and deposit approximately 2,598 cubic yards of dredged material at the Town Point DMP site and to provide for periodic maintenance dredging for six years from the date of authorization. To install a total of 6 mooring piles.

Essential Fish Habitat (EFH) Assessment: The Magnuson-Stevens Fishery Conservation and management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect EFH. The EFH designations within the Northeast Region (Maine to Virginia), dated March 1, 2999, include EFH for a number of species in various life stages. A review of the appropriate literature indicates that this waterway has EFH listed for adult and juvenile Paralichtys dentatus (summer flounder), adult and juvenile Scopthalmus aquosus (windowpane flounder), and adult and juvenile <u>Pomatomus saltatrix</u> (bluefish). They are managed species under MSFCMA. A preliminary assessment indicates that the proposed project may have an adverse effect on EFH based on potential disturbance of SAV beds due to dredging. The aforementioned species are not estuarine resident species but could use the project area as a foraging area and as a nursery area, on a seasonal basis, primarily during summer. The project has the potential to adversely effect the managed species and/or their EFH quality and/or quantity, and their prey species. No EFH measures have been developed for this project. However, it is expected that conservation measures may include time of year restrictions on when the proposed work may be performed. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Richard Kibby at (410) 962-0694.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Standards and Certification Division Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland, 21230-1708, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which to make its consistency determination.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

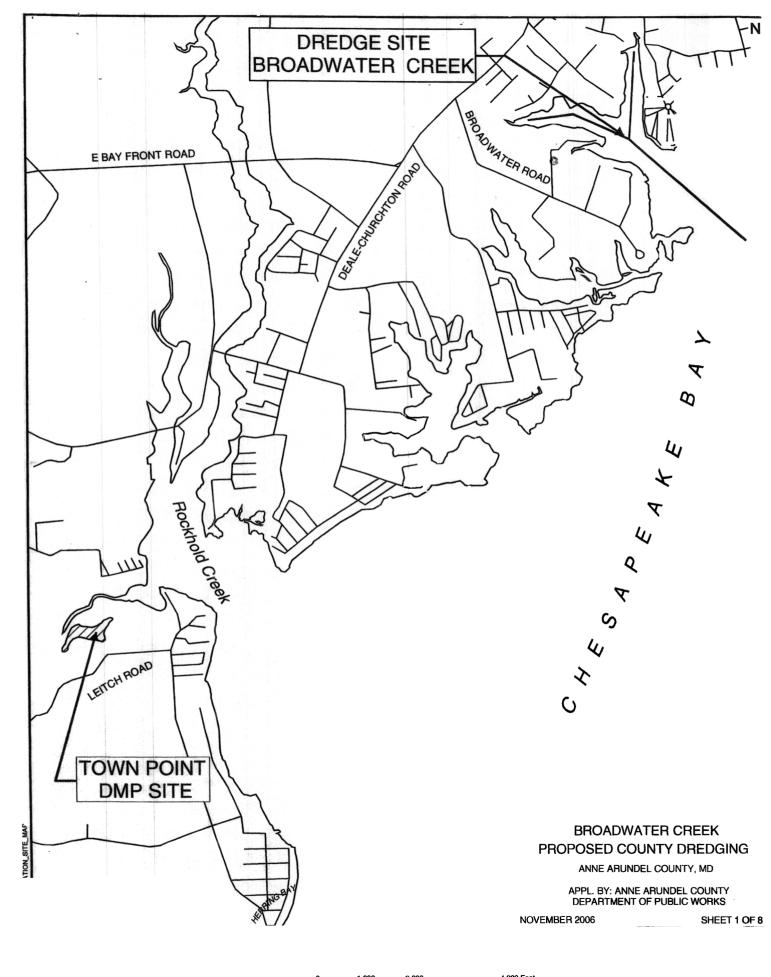
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

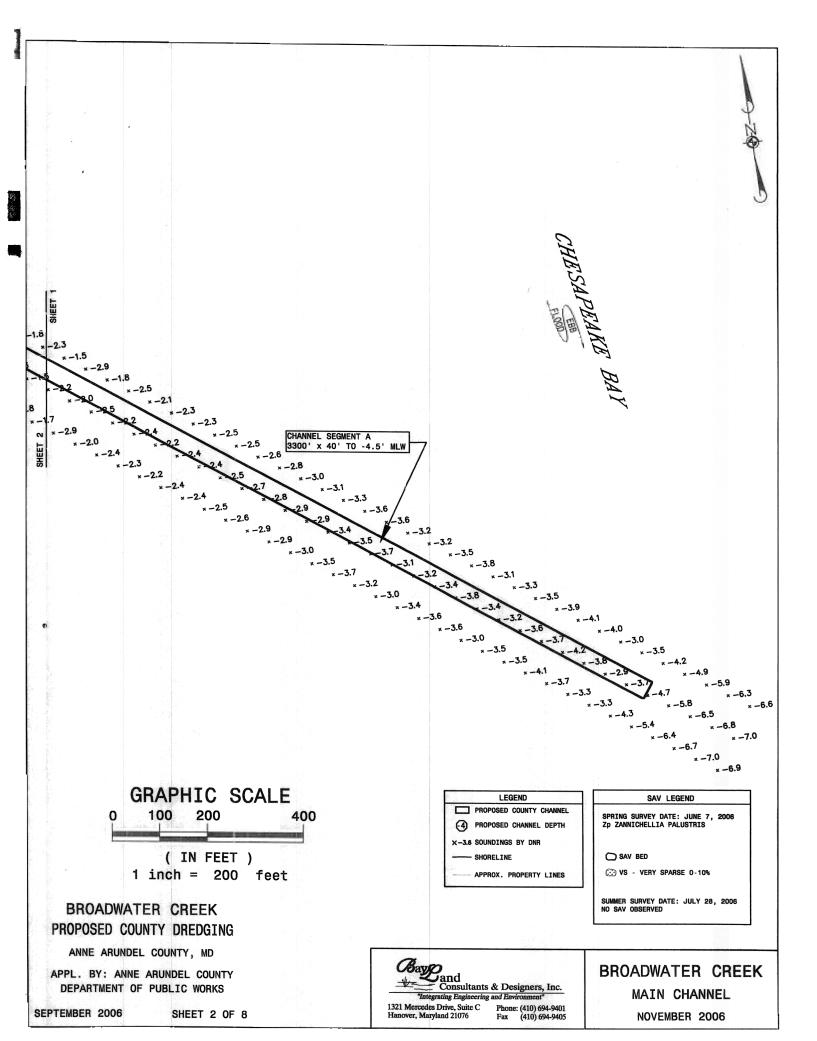
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

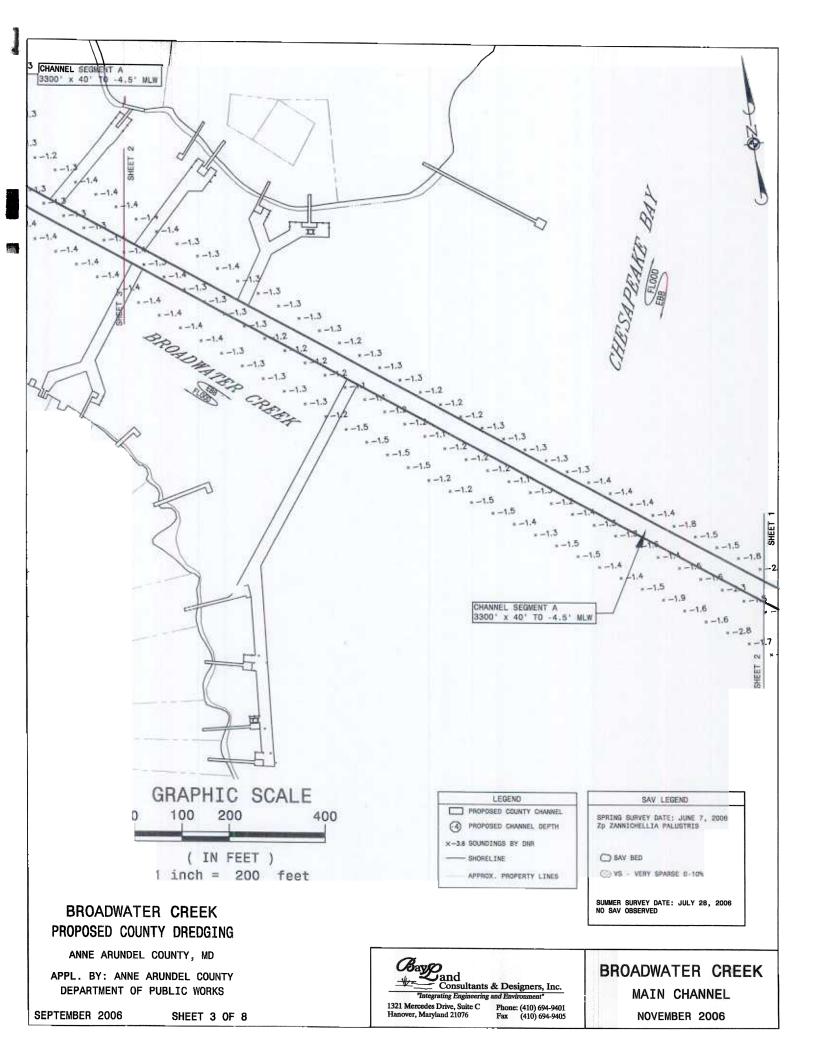
It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

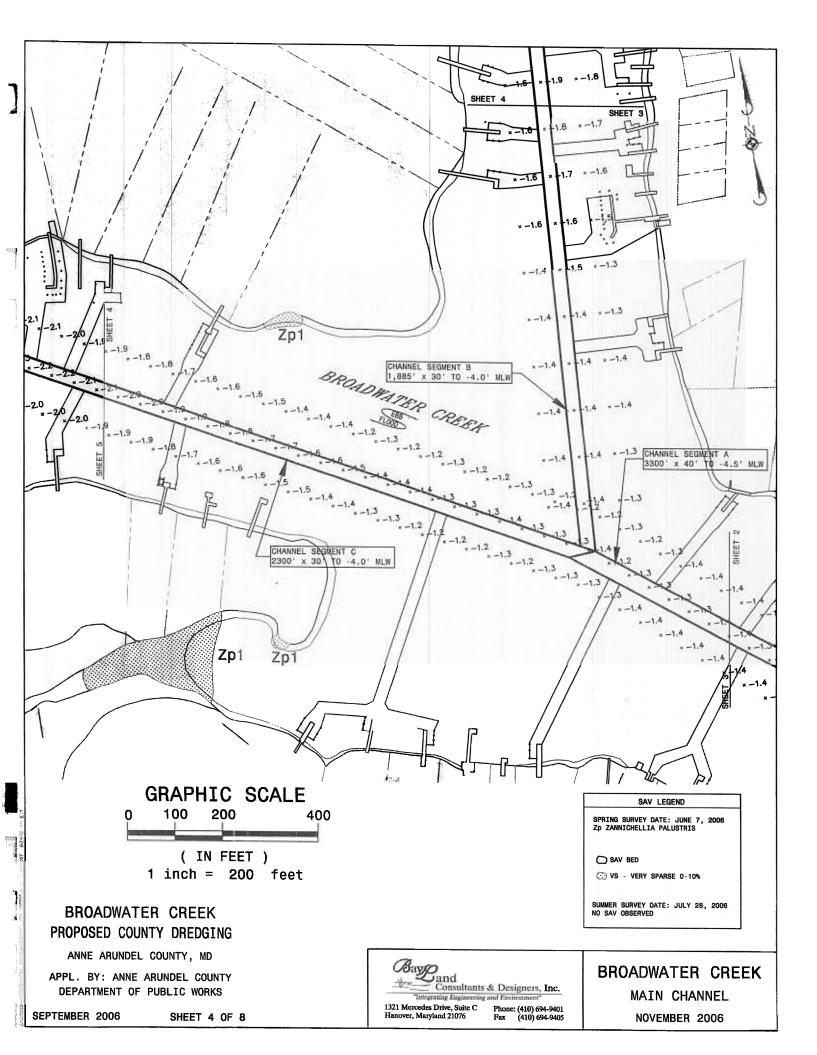
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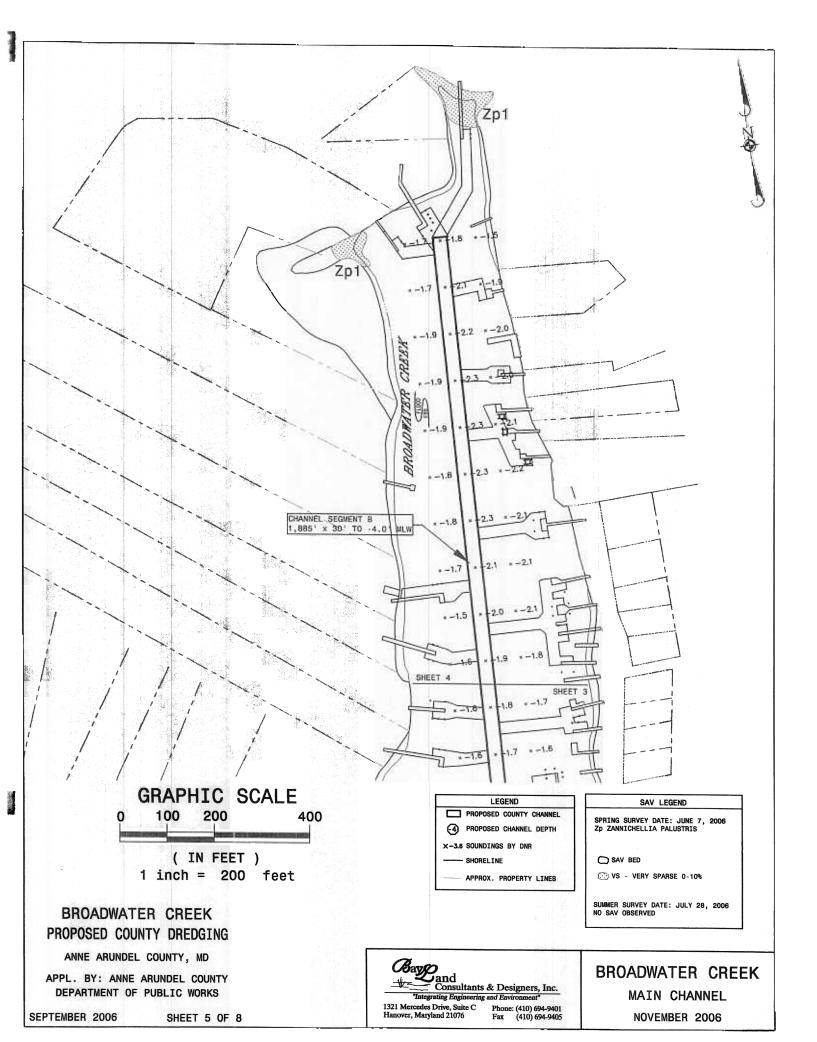
Chief, Maryland Section Northern

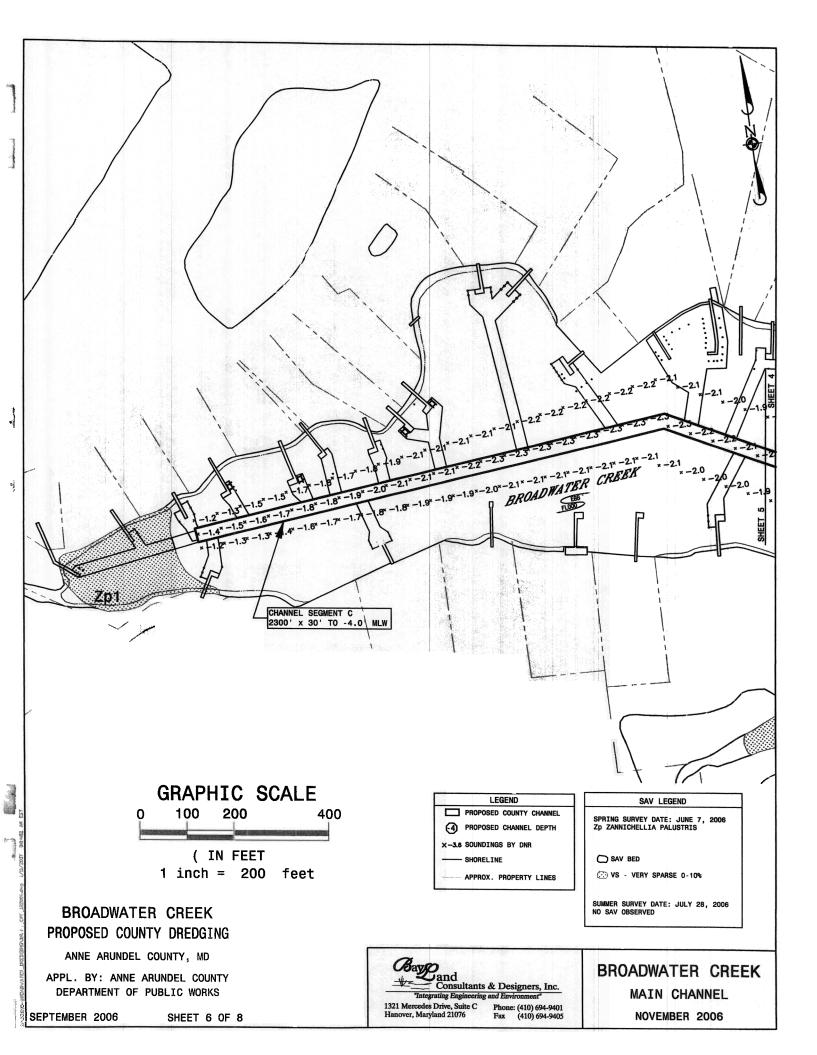




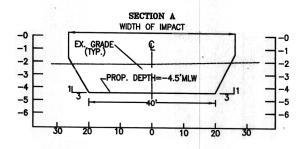


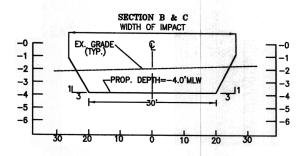






TYPICAL CHANNEL SECTIONS





MAIN CHANNEL

SEGMENT	LENGTH (FT)	WIDTH (FT)	DEPTH (MLW)
SEGMENT A	3,300	40	-4.5'
SEGMENT B	1,885	30	-4.0'
SEGMENT C	2,300	30	-4.0'
TOTAL MAIN CHANNEL VOLUME		26,787 CY	
TOTAL MAIN CHANNEL LENGTH			7,485 FT
TOTAL MAIN CHA	ANNEL AREA OF IMPA	СТ	339,837 SF = 7.8 A
TOTAL MAIN CHA	ANNEL AREA OF IMPA	ACT TO 2006 SAV	NONE

NOTES:

- 1. BASEMAP COMPILED FROM 1995/2002 ANNE ARUNDEL COUNTY PLANIMETRICS AND 2005 AERIAL PHOTOGRAPHY.
- 2. TIDAL RANGE IS 1.0 FEET.
- 3. SOUNDING DATA PROVIDED BY MD DNR SURVEY DATED JANUARY 2006.
- 4. SOUNDINGS ARE IN FEET AND REFER TO MLW.

BROADWATER CREEK PROPOSED COUNTY DREDGING

ANNE ARUNDEL COUNTY, MD

APPL. BY: ANNE ARUNDEL COUNTY DEPARTMENT OF PUBLIC WORKS

SEPTEMBER 2006

SHEET 7 OF 8



